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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/663,637

09/16/2003

Kiyoshi Ueyoko

DN2003152

1926

27280

7590

05/16/2006

THE GOODYEAR TIRE & RUBBER COMPANY  
INTELLECTUAL PROPERTY DEPARTMENT 823  
1144 EAST MARKET STREET  
AKRON, OH 44316-0001

EXAMINER

JOHNSTONE, ADRIENNE C

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/663,637

Applicant(s)

UEYOKO ET AL.

Examiner

Adrienne C. Johnstone

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1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>012006</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication 2004/0163748 A1.

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

This reference is applied for the same reasons as set forth in paragraph 11 of the Office action mailed October 17, 2005. Specifically, see the embodiment of Figures 1-4, specification paragraphs 0046-0051: the claims as currently drafted do not distinguish over the 100% overlap of adjacent strip windings present at the axial ends of each zigzag layer (which necessarily results in twice the number of cords in the overlap as in a single strip). Note that the claims as currently drafted are not limited to two layers of cords throughout the crown portion and four layers of cords throughout the shoulder portions of the zigzag belt structure contrary to applicants' arguments.

3. Claims 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueyoko et al. (6,116,311).

This reference is applied for the same reasons as set forth in paragraph 12 of the Office action mailed October 17, 2005. Specifically, see the embodiment of Figures 1-3, col. 2 line 27 - col.

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4 line 18: the claims as currently drafted do not distinguish over the 100% overlap of adjacent strip windings present at the axial ends of each zigzag layer (which necessarily results in twice the number of cords in the overlap as in a single strip). Note that the claims as currently drafted are not limited to two layers of cords throughout the crown portion and four layers of cords throughout the shoulder portions of the zigzag belt structure contrary to applicants' arguments.

4. Claims 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Application 2002-211208 A.

This reference is applied for the same reasons as set forth in paragraph 13 of the Office action mailed October 17, 2005. Specifically, see the embodiment of Figures 1-4, abstracts, translation paragraphs 0006-0020: the claims as currently drafted do not distinguish over the 100% overlap of adjacent strip windings present at the axial ends of each zigzag layer (which necessarily results in twice the number of cords in the overlap as in a single strip). Note that the claims as currently drafted are not limited to two layers of cords throughout the crown portion and four layers of cords throughout the shoulder portions of the zigzag belt structure contrary to applicants' arguments.

5. Claims 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by de Loze de Plaisance et al. (6,125,900) cited by applicant taken with Oswald (4,838,966).

These references are applied for the same reasons as set forth in paragraph 14 of the Office action mailed October 17, 2005. Specifically, see col. 1 line 6 - col. 2 line 29: reference refers to Oswald for description of small cord angle of zigzag belt plies, which Oswald discloses as preferably about 21 degrees (col. 7 lines 19-27); the claims as currently drafted do not distinguish over the 100% overlap of adjacent strip windings present at the axial ends of each zigzag layer (which necessarily results in twice the number of cords in the overlap as in a single strip). Note that the

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claims as currently drafted are not limited to two layers of cords throughout the crown portion and four layers of cords throughout the shoulder portions of the zigzag belt structure contrary to applicants' arguments.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Loze de Plaisance et al. (6,125,900) cited by applicant taken with Oswald (4,838,966), and in view of Ueyoko et al. (6,116,311).

These references are combined for the same reasons as set forth in paragraph 17 of the Office action mailed October 17, 2005. Specifically, see paragraph 5 above: conventional cord angles for such zigzag plies fall within the claimed range, as evidenced by Ueyoko et al. (col. 2 line 27 - col.

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4 line 18) for example, therefore it would have been obvious to one of ordinary skill in the art to provide such conventional cord angles in the zigzag plies of the above tire.

9. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueyoko et al. (6,116,311) in view of de Loze de Plaisance et al. (6,125,900) cited by applicant.

These references are combined for the same reasons as set forth in paragraph 18 of the Office action mailed October 17, 2005. Specifically, see paragraph 3 above: aircraft tires conventionally have at least two zigzag plies both above and below the spirally wound ply or plies for further reinforcement, as evidenced by de Loze de Plaisance et al. (col. 1 line 6 - col. 2 line 29) for example, therefore it would have been obvious to one of ordinary skill in the art to provide such conventional further reinforcement in the above tire.

10. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application 2002-211208 A in view of de Loze de Plaisance et al. (6,125,900) cited by applicant.

These references are combined for the same reasons as set forth in paragraph 19 of the Office action mailed October 17, 2005. Specifically, see paragraph 4 above: aircraft tires conventionally have at least two zigzag plies both above and below the spirally wound ply or plies for further reinforcement, as evidenced by de Loze de Plaisance et al. (col. 1 line 6 - col. 2 line 29) for example, therefore it would have been obvious to one of ordinary skill in the art to provide such conventional further reinforcement in the above tire.

#### ***Claim Objections***

11. Claim 8 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the

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claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 7 already requires at least one spiral wound belt layer.

*Conclusion*

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrienne C. Johnstone whose telephone number is (571) 272-1218. The examiner can normally be reached on Monday-Friday, 10:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

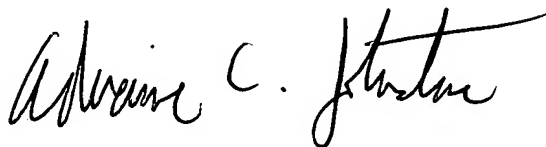
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Adrienne C. Johnstone  
Primary Examiner  
Art Unit 1733

Adrienne Johnstone

May 15, 2006

A handwritten signature in black ink, appearing to read "Adrienne C. Johnstone", written in a cursive style.